

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

_____x Chapter 11
In re Case No.: 09-50026 (REG)

MOTORS LIQUIDATION COMPANY, *et. al.*
f/k/a General Motors Corp., *et. al.*

Debtors

_____x

NO STRIKE MOTION PURSUANT TO
JUDGMENT BY DOLLY WALTON

Pursuant to the Judgment entered June 1st, 2015 (“Judgment”) regarding certain “Hybrid” plaintiffs, Dolly Walton, individually and as Parent and Next Friend of A.W., a minor, (“Ms. Walton”) submits this motion seeking the Court not strike the allegations contained in her cross-claim which have been filed in the Circuit Court for the Twenty-Fifth Judicial District of at Ripley, Lauderdale County, Case No. 6737.

As grounds for this relief, Ms. Walton states to the Court as follows:

1. The Judgment provided that certain Ignition Switch Plaintiffs were barred to bring certain claims, defined as “plaintiffs that have commenced a lawsuit against new GM asserting economic losses based on or arising from the Ignition Switch in the Subject Vehicles.” See Judgment Footnote 1.

2. As exhibited to the Judgment under Exhibit C, “Gable et. al. v. Walton, et. al. No. 6737” was identified as a “Complaint Containing Particular Allegations And/Or Claims Barred by Sale Order To be Stricken.”

3. A copy of the Ms. Walton's filed Cross-Claim is attached hereto as Exhibit 1.

4. As referenced in the prayer for relief and damages section of Exhibit 1, Ms. Walton has not brought claims for economic loss for acts arising from Old GM conduct. Her claims for relief are for personal injuries and non-economic damages and for independent claims against New GM.

5. Ms. Walton submits that the inclusion of her cross-claim on Exhibit C to the Judgment was erroneous and her allegations and claims are not barred by the Judgment. See Exhibit 1 hereto.

6. Moreover, the Judgment ordered that Counsels for the parties to be served a copy of the Judgment. Ms. Walton's counsels have never been served a copy of the Judgment and only recently learned of it by other avenues.

Wherefore, Dolly Walton respectfully requests this Court enter an appropriate Order finding and holding that her allegations in her cross-claim Case No. 6737, currently pending in the Lauderdale County, Tennessee are not subject to being stricken and the inclusion of her case in the Judgment was erroneous.

Respectfully submitted,

HARDEE, MARTIN, DONAHOE,
OWENS & WRIGHT, P.A.

s/Matthew E. Wright

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CERTIFICATE OF SERVICE

I hereby certify that an accurate and correct copy of the foregoing was served via ECF, which serves all attorneys of record on June 18th, 2015.

s/Matthew E. Wright
Matthew E. Wright